

PARKER HANSKI LLC

40 WORTH STREET, 10TH FLOOR
NEW YORK, NEW YORK 10013
PHONE: 212.248.7400
FAX: 212.248.5600
Contact@ParkerHanski.com

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Via ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York

Re: *Steven Nachshen v. BPP ST Owner LLC and Citibank, N.A.*

Docket No. 1:18-cv-10994 (MKV)(SN)

Dear Judge Vyskocil:

It is with great sadness that we write to inform the Court that plaintiff Steven Nachshen passed away on January 29, 2021. At this point in time, we are not able to identify a representative of Steven Nachshen's estate, if any, who may be substituted on his behalf. Accordingly, we respectfully request that Your Honor stay this action and for plaintiff's counsel to submit a status letter to the Court by April 30, 2021 concerning the appointment of a representative of Mr. Nachshen's estate and the prosecution of this case.

Thank you for your time and attention to this matter. With kindest regards, I am

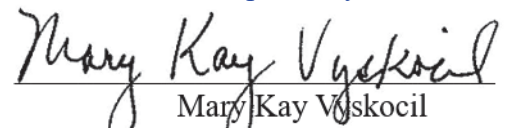
very truly yours,

/s/

Glen H. Parker, Esq.

The Court extends its condolences to Mr. Nachsen's loved ones. Pursuant to Rule 25(a) of the Federal Rules of Civil Procedure, any motion for substitution must be made "within 90 days after service of a statement noting the death." F.R.C.P. 25(a). If the motion is not filed "within" that time, "the action . . . *must* be dismissed." *Id.* (emphasis added). Accordingly, the requests of Plaintiff's counsel to stay this action and file only a status letter by April 30, 2021 are DENIED. IT IS HEREBY ORDERED that any motion for substitution must be filed by April 30, 2021, or this case will be dismissed pursuant to Rule 25(a). IT IS FURTHER ORDERED that, in light of Plaintiff's death, Defendants' motion for summary judgment [ECF #55] is DENIED WITHOUT PREJUDICE TO RENEWAL if a motion for substitution is made and granted. The Clerk of Court is respectfully directed to terminate the motion at docket entry 55.

Date: February 2, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge